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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 18th day of June, 1998

Before:

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

Writ Petition No.31859 of 1993

M/s. Sujay Advertising,
No.4, Uttaradi Mutt Road,
Shankarpuram,
Bangalore - 560 004,
represented herein by its
Manager, Sri B.R. Suresh

..Petitioner

(By Sri Udaya Holla, Advocate)

-Vs-

1. Corporation of the City of
Bangalore,
J.C. Road,
Bangalore - 560 002,
represented by its Commissioner;
2. Deputy Commissioner,
(Administration),
Corporation of the City
of Bangalore,
J.C. Road,
Bangalore - 560 002,
represented by its Commissioner.
3. The Assistant Revenue Officer
(Advertisement Tax)
Corporation of the City of
Bangalore,
J.C. Road,
Bangalore-560 002,
represented by its Commissioner ..Respondents

(By Sri K.N. Puttegowda, Advocate)

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Writ Petition is filed praying to declare that the respondents are not entitled to remove the hoardings affixed by the petitioner which are fully set out in the Annexure-A.

This writ petition coming on for hearing this day, the Court made the following:-

O R D E R

The petitioner is an Advertising Agency. It claims that it has erected 54 + 32 hoardings at various places within the Bangalore City Corporation limits, as listed in Annexure-A. The first 54 are erected on lands belonging to private persons. The remaining 32 are erected on land belonging to the Bangalore City Corporation. The petitioner claims that 54 hoardings fixed on lands belonging to private persons have been regularised and permitted by the Bangalore City Corporation by letter dated 10-10-1991 (Annexure-B) for a period of three years from 1-4-1991. It is contended that advertisement tax has also been paid in regard to the same upto 31-3-1994. Petitioner also claims that the Bangalore City Corporation has granted licence to petitioner to erect 32 hoardings in its land subject to payment of licence fee of Rs.7,500/- per hoarding for 11 months subject to the terms and conditions contained in the letter dated 4/5-9-1992 (Annexure-D). Accordingly, a licence Agreement has been entered on 19-11-1992 (Annexure-F) in regard to 32 Hoardings for the period of 11 months from 19-11-1992 that is upto 18-10-1993.

RMR

2. The petitioner claims that it has paid the Advertisement Tax in regard to 54 hoardings upto 31-3-1994. It also alleges that licence fee in regard to the 32 Hoardings upto 18-10-1993 (vide Annexure-E). Nothing is stated about payment of advertisement Tax for the said period^{in regard to 32 Hoardings}. On the other hand petitioner claims to have paid Advertisement Tax in regard to 32 hoardings for the period 11-6-1993 to 31-3-1994. Nothing stated about payment of licence fee for the period subsequent to 18-10-1993.

3. The petitioner contends^{ed} that it ^{was} ~~is~~ entitled to continue the said hoardings and exhibit advertisements upto 31-3-1994. However, as the Corporation Officials attempted to remove the same, the petitioner ~~has~~ filed this petition on 3-9-1993 seeking a declaration that respondents are not entitled to remove the hoardings (54 + 32) fixed by the petitioner as per Annexure-A and for a direction prohibiting respondents from removing the said hoardings affixed by the petitioner.

4. As noticed above, the petitioner claims the right to continue the hoardings upto 31-3-1994 only. The period of licence having expired on 31-3-1994, this petition has ^{now} become infructuous. Petitioner is

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dismissed accordingly subject to the following observations:-

Re: 54 Hoardings (in private places):

(a) The petitioner shall obtain renewal of permission under Section 135 of Karnataka Municipal Corporations Act, 1976 in regard to 54 hoardings (erected in private land) if it wants to continue the hoardings.

(b) The Bangalore City Corporation is at liberty to recover any arrears of Advertisement Tax in regard to such hoardings, if the same remain unpaid.

Re: 32 Hoardings (in Corporation land):

(a) The petitioner shall obtain licence from the BCC for continuing the Hoardings if it wants to continue the Hoardings.

(b) The Bangalore City Corporation is at liberty to recover the licence fee in respect of the 32 hoardings if there are any arrears.

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(c) The Bangalore City Corporation is at liberty to recover the Advertisement Tax in respect of the 32 Hoardings, if there are any arrears.

General:

(a) If there are any arrears or if the permission becomes void under Section 136 or the licence is not renewed in regard to Hoardings in the land belonging to Bangalore City Corporation, the respondents are at liberty to remove the hoardings under Section 138.



Sd/-
JUDGE